

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**BRENDA FORREST**

**PLAINTIFF**

**V.**

**NO. 4:13CV00094-JMV**

**CAROLYN W. COLVIN,**  
*Acting Commissioner of SSA*

**DEFENDANT**

**ORDER AWARDING ATTORNEY FEES**

Before the court is the claimant's petition [19] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. By Judgment [18] dated December 9, 2013, the court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney fees in the amount of \$5,475.75 (representing 29.4 hours of attorney time at a rate of \$186.25/hr) under the EAJA on the grounds that she was the prevailing party and the Commissioner's position was not "substantially justified." Additionally, the claimant requests that this sum be paid to her attorney pursuant to an assignment of EAJA fees. The Commissioner does not oppose the claimant's request for attorney fees; however, the Commissioner asserts that the EAJA award should be made payable to the claimant, not her attorney.

The court has considered the claimant's motion and supporting documentation and the record of this case and finds that the fee request is reasonable. Accordingly, the only remaining issue is whether the award should be paid to the claimant or to her attorney.

In *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528-29 (2010), the Supreme Court held that EAJA fees are payable to litigants. *Ratliff*, 130 S.Ct. at 2528.<sup>1</sup> Therefore, based on this authority the court finds it is appropriate to direct that payment be made to the claimant.

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<sup>1</sup>The result is that attorney fees awards are subject to offset where the claimant has outstanding federal debts. *Ratliff*, 130 S.Ct. at 2528.

**THEREFORE, IT IS ORDERED** that the claimant's motion for payment of attorney fees is hereby **GRANTED in part**, and the Commissioner shall pay the claimant a total of \$5,475.75 for the benefit of her attorney.

**THIS**, the 7<sup>th</sup> day of January, 2014.

**/s/ Jane M. Virden**  
**U. S. MAGISTRATE JUDGE**